

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF SOUTH CAROLINA
CHARLESTON DIVISION**

Keith Byrom and Denise Byrom,)	
)	
Plaintiffs,)	Civil Action No.: 9:05-03261-CWH
)	Civil Action No.: 9:05-03269-CWH
)	
versus)	
)	
Nautilus, Inc.; Palmetto Fitness, Inc.,)	<u>ORDER</u>
Baxter Industries, Inc.,)	
)	
Defendants.)	
_____)	

On October 24, 2005, the plaintiff commenced this cause of action in the Court of Common Pleas for Beaufort County. On November 22, 2005, the defendants removed this action based on diversity jurisdiction. On March 30, 2006, with the consent of the only remaining party, Nautilus, Inc., this Court granted the plaintiffs' motion to amend their complaint to join Palmetto Fitness, Inc., a South Carolina corporation and seller of the treadmill in dispute in this case. On April 25, 2006, the plaintiff moved to remand. On May 10, 2006, the defendant Nautilus, Inc. opposed the plaintiffs' motion to remand. Pursuant to 28 U.S.C. §1447(e), "[i]f after removal the plaintiff seeks to join additional defendants whose joinder would destroy subject matter jurisdiction, the court may deny joinder, or permit joinder and remand the action to the State court." The defendant Palmetto Fitness, Inc. destroys diversity jurisdiction in this action. Because the defendant Nautilus Inc. consented to joinder of Palmetto Fitness, Inc. and because the defendant Palmetto Fitness, Inc. is the seller of the treadmill in dispute, this Court hereby remands this action to the Court of Common Pleas for Beaufort County, South Carolina.

AND IT IS SO ORDERED.

A handwritten signature in black ink, reading "C. Weston Houck". The signature is written in a cursive style with a large, stylized "C" and "H".

**C. WESTON HOUCK
UNITED STATES DISTRICT JUDGE**

June 19, 2006
Charleston, South Carolina